



July 24, 2015

RECEIVED JUL 28 2015 *Hyd ESS#2*

Margaret Herring
Civil Investigator
U.S. EPA, Region 5
Superfund Division
Enforcement and Compliance Assurance
Branch (SE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

**VIA FEDERAL
EXPRESS**

Leslie Patterson
Remedial Project Manager
Remedial Response Branch 2
U.S. EPA
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Thomas Nash
U.S. EPA, Region 5
77 West Jackson Boulevard
Mail Code – C-14 J
Chicago, Illinois 60604-3507

Re: Special Notice Letter and Request for Information Package for the South Dayton
Dump & Landfill Site

Dear Sir or Madam,

This letter will serve as an additional response to the Special Notice Letter and Request for Information for the South Dayton Dump & Landfill Site (the "Site") dated January 16, 2015 and directed to L.M. Berry and Company LLC.

As previously advised, L.M. Berry and Company was incorporated on November 19, 1960. On May 9, 2012, L.M. Berry and Company was converted from a Georgia corporation to a Delaware LLC under the name of L.M. Berry and Company LLC. As of December 31, 2014, L.M. Berry and Company LLC, merged with and into YP Southeast Advertising & Publishing LLC, a Delaware limited liability company, which then changed its name to YP Advertising & Publishing LLC. As a result of the merger, under Delaware law, L.M. Berry and Company LLC ceased to exist as a separate limited liability company. This response is submitted by YP Advertising & Publishing LLC on behalf of the former L.M. Berry and Company LLC (hereinafter also referred to as "Respondent").

July 24, 2015

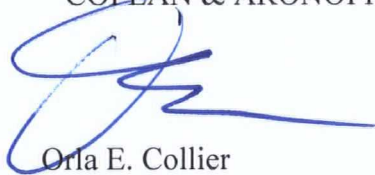
Page 2

Enclosed is the Response of YP Advertising & Publishing LLC to the Requests For Information (on behalf of Former L.M. Berry and Company LLC) to U.S. EPA Information Requests – Enclosure 6.

As previously advised by letter dated July 10, 2015, based upon all available information, L.M. Berry and Company LLC denies that it contributed hazardous substances to the Site at any time, denies that it is a potentially responsible party ("PRP") and denies responsibility for remediation costs incurred with respect to the Site. Accordingly, L.M. Berry and Company LLC declines to participate as a PRP for the Site.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP



Orla E. Collier

OEC:tsh

**RESPONSE OF YP ADVERTISING & PUBLISHING LLC
(ON BEHALF OF FORMER L.M. BERRY AND COMPANY LLC)
TO U.S. EPA INFORMATION REQUESTS – ENCLOSURE 6**

YP Advertising & Publishing LLC, on behalf of the former L.M. Berry and Company LLC, hereby responds to the Information Requests submitted by the U.S. EPA as follows:

General Response

The following General Response is responsive to certain of the Information Requests. To the extent referenced in response to any Information Request, the following General Response is incorporated by reference therein.

1. L.M. Berry and Company was incorporated on November 19, 1960. On May 9, 2012, L.M. Berry and Company was converted from a Georgia corporation to a Delaware LLC under the name of L.M. Berry and Company LLC. As of December 31, 2014, L.M. Berry and Company LLC, merged with and into YP Southeast Advertising & Publishing LLC, a Delaware limited liability company, which then changed its name to YP Advertising & Publishing LLC. As a result of the merger, under Delaware law, L.M. Berry and Company LLC ceased to exist as a separate limited liability company. This Response to the U.S. EPA's Information Requests is submitted by YP Advertising & Publishing LLC on behalf of the former L.M. Berry and Company LLC (hereinafter also referred to as "Respondent").

2. The South Dayton Dump and Landfill Site located at 1975 Dryden Road, Moraine, Ohio (hereinafter the "Site") was engaged in both disposal and recycling and salvage operations. Based upon information and belief, the Site began operation in approximately 1941 and ceased disposal operations in 1996. Accordingly, the Relevant Time Period for this Response is from approximately 1941 to 1996.

3. Respondent was previously engaged in the business of yellow pages advertising, sales and administrative support services at facilities located at 3055 Kettering Boulevard in Moraine, Ohio. Respondent was not involved in manufacturing, printing, production or distribution operations at the Kettering Boulevard site (hereinafter the “Kettering Boulevard Site”). The Kettering Boulevard site is a “Facility” within the area of interest for the Site as referenced in Enclosure 5, Definitions, Paragraph 4.

4. Respondent divested its assets in 2008. Since the divestiture, Respondent conducted no operations at the Kettering Boulevard Site. Since the divestiture in 2008, Respondent has had no employees at the Kettering Boulevard site.

5. Respondent has followed a document retention policy for several years (hereinafter the “Document Retention Policy”). Under the Document Retention Policy, documents are generally not retained after the stated retention term. After the retention period, documents are purged and no longer maintained. Accordingly, under the Document Retention Policy, Respondent has no documents pertaining to its prior operations at the Kettering Boulevard Site, including specifically any documents relating to waste disposal, within its possession, custody or control for the Relevant Time Period, that is from approximately 1941 through 1996, the inclusive dates of operations of the Site.

6. Specifically, Respondent has no documents within its possession, custody or control referring or relating to any alleged disposal of wastes at the Site, including specifically waste containing Hazardous Substances.

7. Respondent was named as a defendant in Hobart Corporation, et al. v. The Dayton Power and Light Company, et al., U.S. District Court, Southern District of Ohio, Western Division, Case No. 3:13-cv-00115. Respondent has denied all operative allegations asserted in

the complaint filed in that case. The parties have engaged in extensive discovery. Neither Respondent nor the Hobart plaintiffs have any documentation, including specifically dump receipts, shipping documents, manifests, invoices, receipts, contracts, logs, disposal tickets or other documents, to establish that Respondent disposed of, or arranged for the disposal of, any wastes, let alone hazardous wastes, at the Site during the Relevant Time Period or at any time.

8. Based on information and belief, the only person who has asserted that Respondent delivered, or arranged for the delivery of, any materials to the Site is Edward Grillot. Mr. Grillot was a former employee of the Site for limited and varying periods of time between 1960 and 1996. Mr. Grillot was deposed on December 16 and 17, 2013 in Case No. 3:13-cv-00115. The information within the knowledge of Mr. Grillot is addressed in the transcripts of the depositions portions of which are attached hereto.

9. Edward Grillot asserted on direct at his deposition on December 16 and 17, 2013 that Respondent delivered only (1) used telephone books and (2) wood skids to the Site. Mr. Grillot was asked on direct how he knew the source was L.M. Berry and he replied that it was “just his understanding” from what he heard from others. Accordingly, Mr. Grillot had no direct knowledge or information suggesting that Respondent arranged for disposal of any wastes at the Site at any time. Further, on cross-examination, Mr. Grillot specifically testified:

a) Based on the witnesses’ own personal observation, there were only three years in which used phone books from any source were delivered to the Site – 1965, 1966 and 1967.

b) During the period 1965-1967, used phone books would typically be recycled. Used phone books were routinely not deposited at the Site. Recycling used phone books was part of the recycling operations at the Site and not part of disposal. Similarly, wood skids or pallets were also routinely recycled at the Site and not disposed at the Site.

c) The only exception to recycling used phone books would be wet phone books which would not be recycled and were disposed at the Site. Mr. Grillot could not identify any time period for, or volume of, the disposal of wet phone books.

d) Mr. Grillot testified there were no labels or markings on the used phone books or wood skids to identify Respondent as the source of either used phone books or wood skids. The deliveries were by truck and there were also no markings on the truck to identify Respondent as the source.

e) Mr. Grillot testified there were no deposit receipts, waste logs, waste reports, invoices or other documents which would have identified Respondent as the source of any used phone books or wood skids delivered to the Site.

10. Accordingly, based on all currently available information, there are no documents in the possession, custody or control of the U.S. EPA, the Hobart plaintiffs or Respondent, including, but not limited to, dump receipts, shipping manifests, invoices, receipts, contracts, logs, disposal tickets or other documents, that would support the assertion that Respondent arranged for the disposal of wastes, let alone hazardous wastes, at the Site during the Relevant Time Period or at any time.

1. Identify all persons consulted in the preparation of the answers to these questions.
RESPONSE:

Nelson Alcantara
Director of Operations, Planning and Support
YP Advertising & Publishing LLC
2247 Northlake Parkway
Tucker, GA 30084

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.
RESPONSE:

The only document available is the deposition transcript of the deposition of Edward Grillot dated December 16 and 17, 2013 in Case No. 3:13-cv-00115. See General Response.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.

RESPONSE:

Based on currently available information, Respondent did not directly, or by arrangement, dispose of any waste at the Site during the Relevant Time Period or at any time. The only witness identified by anyone including U.S. EPA and the plaintiffs in Case No. 3:13-cv-00115 as allegedly having such knowledge or information was Edward Grillot identified in the General Response but his testimony has been contradicted and impeached. As indicated in the General Response, Respondent currently has no employees with knowledge of waste disposal at the Kettering Boulevard Site, and Respondent maintains no records under its Document Retention Policy within its possession, custody or control that would enable identification of persons as to waste disposal practices at the Kettering Boulevard Site during the Relevant Time period. Matthew Welsh may have some knowledge of waste disposal practices at the Kettering Boulevard Site after 2000 but generally has no knowledge of any facts regarding alleged disposal of wastes or arrangements for disposal of waste at the Site during the Relevant Time Period. Matthew Welsh was former General Manager, Berry Network LLC, 3100 Kettering Boulevard, Dayton, Ohio 45439. Respondent has no information as to Mr. Welsh's current address or email. The last known telephone numbers are 937-885-0368 and 937-212-9993.

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

RESPONSE:

See Response to Question 3.

5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

RESPONSE:

Based on available information, Respondent did not send, bring or move drums and/or hazardous substances to the Site during the Relevant Time Period or at any time. See General Response. Not applicable.

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.

RESPONSE:

Based on available information, Respondent did not transport, haul or send any materials to the Site during the Relevant Time Period or at any time. See General Response. Not applicable.

PERMITS/REGISTRATIONS

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

RESPONSE:

Based on available information, none.

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

RESPONSE:

Not applicable. Not applicable.

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

RESPONSE:

Based on available information, no hazardous substances were transported to any facility. See General Response.

10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

RESPONSE:

Based on available information, none.

11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

RESPONSE:

Based on available information, Respondent had no permits issued under RCRA, or under State of Ohio laws and had no EPA ID number. See General Response. Not applicable.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

RESPONSE:

Based on available information, no. See General Response.

**RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/
RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)**

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.

RESPONSE:

As indicated in the General Response, Respondent did not maintain a "production" facility or operations at the Kettering Boulevard Site. As further indicated in the General Response, Respondent maintains no records under its' Document Retention Policy that would enable the identification of persons who performed or were responsible for environmental matters at the Kettering Boulevard Site during the Relevant Time Period and Respondent currently has no employees responsible for such activity at the Kettering Boulevard facility. Accordingly, Respondent has no knowledge or information as to the identity of any persons responsible for such activity at the Kettering Boulevard Site for the Relevant Time Period or any time.

14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);
- b. the colors of the containers;
- c. any distinctive stripes or other markings on those containers;
- d. any labels or writing on those containers (including the content of those labels);

e. whether those containers were new or used; and

f. if those containers were used, a description of the prior use of the containers.

RESPONSE:

Based on available information, none. See General Response Questions 14(a)-(f) - not applicable.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

RESPONSE:

See General Response. Respondent did not maintain a "production facility" at the Kettering Boulevard Site. Respondent was engaged in the business of yellow pages advertising, sales and administrative support services at the Kettering Boulevard Site. Based on available information, Respondent would have generated general office wastes resulting from the operations at the Kettering Boulevard Site during the Relevant Time Period. Respondent has no documents that would enable the identification of waste disposal at the Kettering Boulevard Site during the Relevant Time Period or at any time. No responsive documents are available.

16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.

g. State where Respondent sent each type of its waste for disposal, treatment, or recycling.

h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).

i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.

j. For each type of waste specify which Waste Carrier picked it up.

k. For each type of waste, state how frequently each Waste Carrier picked up such waste.

l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).

m. For each type of waste state the dates (beginning and ending) such waste was picked up by each Waste Carrier.

n. Provide copies of all documents containing information responsive to the previous seven questions.

o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:

i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);

ii. names or markings on the vehicles; and the color of such vehicles. .

j. Identify all of each Waste Carrier's employees who collected Respondent's wastes. k.

Indicate the ultimate disposal/recycling/treatment location for each type of waste. .

l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

m. Describe how Respondent managed pickups of each waste, including but not limited to:

i. the method for inventorying each type of waste;

ii. the method for requesting each type of waste to be picked up;

iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;

iv. the amount paid or the rate paid for the pickup of each type of waste;

v. the identity of (see Definitions) Respondent's employee who paid the bills; and

vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.

n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.

o. State the basis for and provide any documents supporting the answer to the previous question.

p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:

i. the nature and chemical composition of each type of waste;

- 11. the dates on which those wastes were disposed;
- 111. the approximate quantity of those wastes disposed by month and year;
- iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre- treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
- v. whether and what pretreatment was provided.

q. Identify any sewage authority or treatment works to which Respondent's waste was sent.

r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the Site. Provide all documents which support or memorialize your response.
RESPONSE:

Based on available information, there are no such documents. See General Response. Respondent did not maintain a "production facility" or operations at the Kettering Boulevard Site. As indicated in the General Response, Respondent maintains no records under its' Document Retention Policy that would enable the identification of the requested documents or information at the Kettering Boulevard Site during the Relevant Time Period and Respondent currently has no employees responsible for such activity. Accordingly, Respondent has no knowledge or information as to the identity of the requested documents and information. Based on available documents and information, Respondent has no documents or information to establish that any waste generated by Respondent was sent to, arrived at or came to be located at the Site during the Relevant Time Period or any time whether transported by Respondent or another person. See also response to Questions 13, 14 and 15. No documents responsive to Question 16(q)-(r) are available and Respondent has no information responsive to Questions (q)-(r).

RESPONDENT'S ENVIRONMENTAL REPORTING:

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.
RESPONSE:

Based on available information, none. See General Response.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.
RESPONSE:

Based on available information, none. See General Response.

19. State the years during which such information was sent/filed.

RESPONSE:

Based on available information, none. See General Response

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

RESPONSE:

Based on available information, none. See General Response

21. State the years during which such information was sent/filed.

RESPONSE:

Based on available information, none. See General Response

22. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

RESPONSE:

Based on available information, none. See General Response

23. Identify the federal and state offices to which such information was sent.

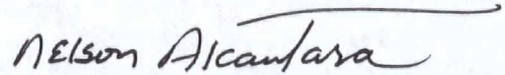
RESPONSE:

Based on available information, none. See General Response

CERTIFICATION

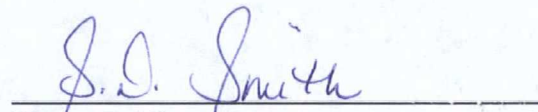
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.



Nelson Alcantara
Director of Operations, Planning and Support
YP Advertising & Publishing, LLC
2247 Northlake Parkway
Tucker, GA 30084

Sworn to and subscribed in my presence this 22 day of July, 2015.



Notary Public

000351

00200

FedEx Package
Express US Airbill
FedEx
Tracking
Number

8057 6560 8410

1 From

Date

7.24.15

Sender's
Name

Orla E. Collier, III

Phone

614 223-9300

Company

BENESCH FRIEDLANDER

Address

41 S HIGH ST STE 2600

Dept./Floor/Suite/Room

City

COLUMBUS

State

OH

ZIP

43215-6164

2 Your Internal Billing Reference

36326.19

3 To

Recipient's
Name

Margaret Herring

Phone

Company

US EPA, Region 5

Address

Superfund Division
77 W. Jackson Blvd.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

Address

Use this line for the HOLD location address or for continuation of your shipping address.

City

Chicago

State

IL

ZIP

60604

3590
0114819864

8057 6560 8410

Form
ID No.

0215

Recipient's Copy

4 Express Package Service

* To most locations.

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

☐ FedEx First Overnight

Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☒ FedEx Priority Overnight

Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx Standard Overnight

Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

☐ FedEx 2Day A.M.

Second business morning.* Saturday Delivery NOT available.

☐ FedEx 2Day

Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx Express Saver

Third business day.* Saturday Delivery NOT available.

5 Packaging

* Declared value limit \$500.

☒ FedEx Envelope*☐ FedEx Pak*☐ FedEx Box☐ FedEx Tube☐ Other

6 Special Handling and Delivery Signature Options

☐ SATURDAY Delivery

NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☐ No Signature Required

Package may be left without obtaining a signature for delivery.

☐ Direct SignatureSomeone at recipient's address may sign for delivery. *Fee applies.*☐ Indirect SignatureIf no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. *Fee applies.*

Does this shipment contain dangerous goods?

One box must be checked.

☐ No☐ Yes

As per attached Shipper's Declaration.

☐ Yes

Shipper's Declaration not required.

☐ Dry Ice

Dry ice, 9 UN 1845

x kg

☐ Cargo Aircraft Only

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Obtain recip.
Acct. No. ☐☒ Sender
Acct. No. in Section 1 will be billed.☐ Recipient☐ Third Party☐ Credit Card☐ Cash/Check

Total Packages

Total Weight

Credit Card Auth.

lbs.

Your liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

611

Peel-and-Stick FedEx

1. Complete front page of the
2. Retain "Sender's Copy"
3. Remove label backing
4. Adhere Airbill to
Please DO NOT



PEEL FROM THIS CORNER.